

**Remedial Design Consent Decrees  
Their Purpose and The Process  
Presentation to the Stakeholder Forum  
January 12, 2005**

**Stage Setting**

- The purpose of the Consent Decree is to provide an enforcement mechanism behind the selected remedial options, to ensure their completion.
- EPA/DOJ, DEQ and KUCC are currently negotiating the terms and conditions of a Remedial Design Consent Decree for Operable Unit #2 (SWJV GW).
- Once complete, the parties will negotiate a separate Consent Decree for OUs #8, 9, 13, 14, 15, 18, 19, 22, 23, and 24
- Excluded OUs were previously covered by the Bingham Creek RDCDs (12-1-99) or the RDCD for OUs #3, 6, and 7.

**The Process** (See Flow Chart on the back)

- EPA/DOJ, DEQ and Kennecott have agreed to take some steps outside of the standard process for the groundwater CD.
- Beyond the court required comment period, other public outreach will take place. A process discussion and a future discussion on general conditions and terms will be provided.
- This Discussion may lead the parties to change the CD prior to finalizing and lodging the CD with the court.
- Typically a court held comment period is for thirty days; the parties may be agreeable to request sixty days.
- The federal district court will advertise the public comment period and take comments under advisement while it renders its decision.
- The statute does not require the parties to respond to comments in an official summary, but the parties may take the comments under advisement prior to the court rendering its decision.

**For Questions:**

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**Standard RDCD Rendering Process**

